

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

WAYNE NELSON CUNDAY,

Plaintiff,

v.

DEPARTMENT OF SOCIAL AND HEALTH
SERVICES OF WASHINGTON STATE,

Defendant.

No. CV-07-0349-FVS

ORDER OF DISMISSAL

On September 29, 2008, this Court Ordered Plaintiff to show cause why this matter should not be dismissed for failure to prosecute. (Ct. Rec. 9). On October 8, 2008, mail sent to Plaintiff at the address he provided to the Court was returned and marked as "Return to Sender." (Ct. Rec. 10). A review of the file shows that there has been no response to the Court's Order to Show Cause and, as previously noted by the Court, there has been no activity in this case since December 14, 2007. Now, therefore,

IT IS HEREBY ORDERED that this matter is dismissed, without prejudice, for failure to prosecute.

IT IS SO ORDERED. The District Court Executive is hereby directed to enter this order, furnish a copy to Plaintiff, and **CLOSE THE FILE.**

DATED this 20th day of October, 2008.

S/Fred Van Sickle
Fred Van Sickle
Senior United States District Judge